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Art Unit 2851

Attn: Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Application No. 10/813,687; Filed: March 31, 2004

Lithographic Support Structure For:

Inventors: TINNEMANS et al.

Our Ref: 1857.7580002

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Fifth Supplemental Information Disclosure Statement;
- 2. Form PTO/SB/08B (1 sheet) listing one (1) document (NPL1);
- 3. Copy of cited document (NPL1); and
- 4. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Lisenberg Attorney for Applicants Registration No. 43,447

**Enclosures** DOC#855881 1.DOC

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JDE/ahw



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

TINNEMANS et al.

Appl. No.: 10/813,687

Filed: March 31, 2004

For: Lithographic Support Structure

Confirmation No.: 4349

Art Unit: 2851

Examiner: Nguyen, Hung

Atty. Docket: 1857.7580002

## Fifth Supplemental Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. §1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98.

Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this
  Information Disclosure Statement was first cited in a communication from a
  foreign patent office in a counterpart application and this communication was not
  received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty
  days prior to the filing of this information disclosure statement.
- \[
  \times 2. \] Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
  - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than

three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$0.00 in payment of the fee under 37 C.F.R. § 1.17(p).
- 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$0.00 in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
  - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

	□ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item
	of information in this Information Disclosure Statement was cited
	in a communication from a foreign patent office in a counterpart
	foreign application and, to my knowledge after making reasonable
	inquiry, was known to any individual designated in 37 C.F.R. §
	1.56(c) more than three months prior to the filing of this
	Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
<u></u>	The document(s) was/were cited in a search report by a foreign patent office in a
	counterpart foreign application. Submission of an English language version of
	the search report that indicates the degree of relevance found by the foreign office
	is provided in satisfaction of the requirement for a concise explanation of
	relevance. 1138 OG 37, 38.
☐ 6.	A concise explanation of the relevance of the non-English language document(s)
	appears below in accordance with 37 C.F.R. § 1.98(a)(3).
<b>⊠</b> 7.	A copy of document NPL1 is submitted.
□ 8.	Copies of the documents were cited by or submitted to the Office in an IDS that
	complies with 37 C.F.R. § 1.98(a)-(c) in Application No, filed
	, which is relied upon for an earlier filing date under 35 U.S.C.
	§ 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
<u> </u>	It is expected that the examiner will review the prosecution and cited art in the
	parent application no(s) in accordance with MPEP 2001.06(b),

and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERMB, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Pisenberg
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Date: August 5, 2008

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